

REMARKS

Applicant is in receipt of the Office Action mailed August 31, 2004. Claims 1-28 were pending in the Application prior to the present Amendment. Applicant cancels claims 17, 18, 24-28 without prejudice or disclaimer. Applicant has amended various of the claims and submits new claims to more fully and completely claim Applicant's invention. Claims 1-16, 19-23, and 29-57 are pending in the Application. Reconsideration of the present case is earnestly requested in light of the following remarks.

§103 Rejections

Claims 1-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. (U.S. Patent No. 6,745,274, hereinafter "Snyder") and in view of Applicant's Admitted Prior Art (hereinafter, "AAPA") and in further view of Inohara et al. (U.S. Patent No. 6,377,952, hereinafter "Inohara"). This rejection is respectfully traversed.

Applicant respectfully submits that there is no teaching, suggestion, or motivation to combine Snyder, AAPA, and Inohara in either of the references or in the prior art. As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. Furthermore, Applicant respectfully submits that it is nonobvious to combine Snyder, AAPA, and Inohara.

Furthermore, the showing of a suggestion, teaching, or motivation to combine prior teachings "must be clear and particular. . .Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'." *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination. Applicant respectfully submits that there is no suggestion in the

prior art for combining Snyder, AAPA, and Inohara, and that even were the three references combined, they would not produce Applicant's invention as represented in claims 1-16, 19-23, and 29-57. Applicant respectfully submits claim 1-16, 19-23, and 29-57 are allowable for at least the above reasons.

The Office Action asserts, "Snyder teaches. . .including a first software software component in a first application, wherein the first software component is operable to access data from the semaphore, wherein the semaphore is stored in a computer memory, wherein the data comprised in the semaphore has a first data type of a plurality of data types (Abstract, col. 4 lines 50-62).

Applicant respectfully submits that Snyder, AAPA, and/or Inohara nowhere teaches or suggests that a semaphore is operable to store data of any of a plurality of different data types. The Office Action asserts that Snyder's col. 4, lines 40-52 teaches this feature; however, Applicant respectfully submits that Snyder's col. 4, lines 40-52 teach "There are two types of requests":

A more detailed discussion of the synchronization mechanism is described below. FIG. 3 illustrates the transaction control unit 116 and the components of the semaphore control unit 114. The transaction control unit 116 receives requests or transactions to access the previous and current semaphore registers 158, 156. There are two types of requests: a read request; and a write request. The read request returns the values of both the previous and the current semaphore owners. A write request can be used to either free the semaphore by writing the value 0x7F into the current semaphore register 156 or to obtain access to the semaphore by writing the device's unique identifier into the current semaphore register 156. (Snyder col. 4, lines 40-52) (*emphasis added*)

Applicant respectfully submits that "types of requests", or other subject matter of Snyder, do not teach or suggest a semaphore is operable to store data of any of a plurality of different data types. Furthermore, the term "data type" is nowhere disclosed in Snyder.

In contrast, Applicant's invention as currently recited in claim 1 includes in pertinent part, "...including a first software component in a first application, wherein the first software component is operable to access data from the semaphore, wherein the semaphore is stored in a computer memory, wherein the semaphore is operable to store data of any of a plurality of different data types, wherein the data comprised in the semaphore has a first data type of the plurality of different data types. . . ." Snyder, AAPA, and/or Inohara do not teach or suggest this feature. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Snyder, AAPA, and Inohara, taken both singly and in combination.

As Examiner is certainly aware, "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)" as stated in the MPEP §2143.03

Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 1 and those dependent therefrom are allowable.

Claim 19 includes limitations similar to claim 1, specifically, the feature that "a computer memory which stores the semaphore, wherein the semaphore is operable to store data corresponding to one of any of a plurality of different data types", and so the arguments presented above apply with equal force to claim 19, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 19 and those dependent therefrom are allowable.

Claim 29 includes limitations similar to claim 1, specifically, the feature that “a computer memory, wherein the computer memory comprises the semaphore, wherein the semaphore is operable to store data of any of a plurality of different data types, wherein the semaphore comprises data of a first data type of the plurality of different data types, wherein the computer memory is coupled to the first computer system”, and so the arguments presented above apply with equal force to claim 29, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 29 and those dependent therefrom are allowable.

Claim 33 includes limitations similar to claim 1, specifically, the feature that “access a semaphore, wherein the semaphore is operable to store data of any of a plurality of different data types”, and so the arguments presented above apply with equal force to claim 33, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 33 and those dependent therefrom are allowable.

Claim 40 includes limitations similar to claim 1, specifically, the feature that “including a first software component in a first application, wherein the first software component is operable to access data from the semaphore, wherein the semaphore is stored in a computer memory, wherein the semaphore is operable to store data of any of a plurality of different data types, wherein the data comprised in the semaphore has a first data type of the plurality of different data types”, and so the arguments presented above apply with equal force to claim 40, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 40 and those dependent therefrom are allowable.

Furthermore, Applicant respectfully submits that Snyder, AAPA, and/or Inohara do not teach or suggest “receiving user input specifying location information associated with the semaphore” as Applicant’s invention is recited in pertinent part by claim 43. Thus, Applicant respectfully submits that claim 43 is patentably distinguished over Snyder, AAPA, and Inohara, taken both singly and in combination. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 43 and those dependent therefrom are allowable.

Moreover, Applicant respectfully submits that Snyder, AAPA, and/or Inohara do not teach or suggest the combination of features “communicating with a memory medium comprising the semaphore, wherein the memory medium is coupled to a network” and “accessing at least a portion of data comprised in the semaphore through the network” as Applicant’s invention is recited in pertinent part in claim 53. Thus, Applicant respectfully submits that claim 53 is patentably distinguished over Snyder, AAPA, and Inohara, taken both singly and in combination. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 53 and those dependent therefrom are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectfully requests removal of the §103 rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-50200/JCH.

Also enclosed herewith are the following items:

- ☒ Information Disclosure Statement
- ☒ Return Receipt Postcard

Respectfully submitted,



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